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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/692,601

10/19/2000

Yoshio Miyazaki

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11/07/2006

C. IRVIN MCCLELLAND

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.

1940 DUKE STREET

ALEXANDRIA, VA 22314

EXAMINER

CHU, KIM KWOK

ART UNIT

PAPER NUMBER

2627

DATE MAILED: 11/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/692,601	Applicant(s) MIYAZAKI, YOSHIO	
	Examiner Kim-Kwok CHU	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed on 8/30/2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10/19/2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Remarks

1. Applicant's Amendment filed on August 30, 2006 deletes the original rejected Claims 1-6 and the new Claims 9-13 are rejected with a new prior art of Tsukatani et al. (U. S. Patent 5,778,257).

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless--
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.*

3. Claims 9-13 are rejected under 35 U.S.C. § 102(b) as being anticipated by Tsukatani et al. (U.S. Patent 5,778,257).

Tsukatani teaches a recording apparatus having all of the elements and means recited in claims 9-13. For example, Tsukatani teaches the following:

(a) with respect to Claim 9, the recording apparatus comprising: reproduction means (in 40) for reproducing digital data from a standard compact disc 10 (Fig. 1; column 4, lines 53-55); a control circuit 30 for searching (reading) an internal memory 32, 37 of the apparatus to determine when digital data

(TOC and stored data) from the standard compact disc 10 is present on the internal memory (Fig. 1, column 4, lines 44-50); and a recording means (in 40) for writing (storing) the digital data from the standard compact disc 10 to the internal memory 32, 37 only when the control circuit 30 has determined that the digital data (TOC and stored data) from the standard compact disc 10 is not present on the internal memory (Fig. 1; TOC is copied when the disc is newly loaded in the apparatus).

(b) with respect to Claim 10, the internal memory 32, 37 additionally contains at least one control table (memory array) for storing at least a write source (information about the type of disc or coding etc.) of the digital data and a write position (address) of the digital data on the internal memory 32, 37 and wherein, the control circuit 30 searches (reading) the internal memory to determine when digital data from the standard compact disc 10 is present on the internal memory by searching the control table (Fig. 1; information about TOC, type of disc etc. are copied when the disc is newly loaded in the apparatus).

(c) with respect to Claim 11, the internal memory 32, 37 is a hard disk drive (Fig. 1; a hard drive is used as a buffer memory for large quantity of data stored in the disc).

(d) with respect to Claim 12, a display means 1 connected to the control circuit 30, wherein when the control circuit 30 has determined that the digital data from the standard

compact disc 10 is not present (not copied) on the internal memory 32, 37, the display means displays information (user interface) indicating that the compact disc 10 has already been recorded (in the memory) and the digital data is reproduced from the internal memory. 32, 37 (Fig. 1; buffer memory stored and display the data instead of the disc 10 because disc accessing time is slow).

(e) with respect to Claim 13, a data compression and encoder circuit 33, 35 for compressing (one of the encoding/decoding method) the digital data from the compact disc 10 so that when the digital data is written from the standard compact disc 10 to the internal memory 32, 37, the digital data may be compressed to occupy less space on the internal memory (decoded data has less header information such as encrypted information).

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

5. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Kim CHU whose telephone number is (571) 272-7585 between 9:30 am to 6:00 pm, Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrea Wellington, can be reached on (571) 272-4483.

The fax number for the organization where this application or proceeding is assigned is (571) 273-8300

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished application is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9191 (toll free).

Kim-Kwok CHU

Examiner AU2627

November 1, 2006

(571) 272-7585

KE 11/1/2006


ANDREA WELLINGTON
SUPERVISORY PATENT EXAMINER